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EXTRAORDINARY

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MINISTRY OF LAW

New Delhi, the 3rd April, 1957

The following Acts of Parliament received the assent of the President on the 2nd April, 1957, and are hereby published for general information:—

THE SEA CUSTOMS (AMENDMENT) ACT, 1957

(No. 10 of 1957

[2nd April, 1957]

An Act further to amend the Sea Customs Act, 1878.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Sea Customs (Amendment) Act, Short title. 1957.

2. In section 3 of the Sea Customs Act, 1878 (hereinafter referred to as the principal Act), after clause (g), the following clause shall be inserted, namely:—

“(gg) ‘Indian customs waters’ means the waters extending into the sea to a distance of twelve nautical miles measured from the appropriate base line on the coast of India;”.

3. After section 52 of the principal Act, the following shall be inserted, namely:—

“CHAPTER VIA

PROHIBITION OF ENTRY OF VESSELS CONSTRUCTED, ETC., FOR
CONCEALING GOODS

52A. No vessel constructed, adapted, altered or fitted for the purpose of concealing goods shall enter, or be within, the limits of any port in India, or the Indian customs waters”.

Amendment
of section
167.

4. In the Schedule to section 167 of the principal Act,—

(a) after item 3, the following item shall be inserted, namely:—

<p>“3A. If any part of the cargo of a vessel is thrown over-board or is staved or destroyed so as to prevent its examination or lawful seizure by any officer of customs or other person duly employed for the prevention of smuggling—</p>	<p>General.</p>	<p>Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”;</p>
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(a) while the vessel is within the Indian customs waters, or

(b) where the vessel having been properly summoned while within such waters to bring to by any ship in the service of the Central Government, fails to do so and chase is given, at any time during the chase.

(b) for item 4, the following item shall be substituted, namely:—

<p>“4. If any vessel, which has been within the limits of any port in India or within the Indian customs waters, with cargo on board, be afterwards found elsewhere in such waters or in any port, bay, river, creek or arm of the sea in India,</p>	<p>II and General.</p>	<p>Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”;</p>
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(i) light or in ballast, or

(ii) with any part of such cargo missing,

and the master of the vessel is unable to give due account of how the vessel came to be light or in ballast, or of the missing cargo,

(c) after item 12, the following item shall be inserted, namely:—

<p>“12A. If a vessel constructed, adapted, altered or fitted for the purpose of concealing goods, enters or is within the limits of any port in India or within the Indian customs waters,</p>	<p>52A.</p>	<p>Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”</p>
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(d) after item 76B, the following item shall be inserted, namely:—

“76C. If, save for good and sufficient cause, any vessel having been properly summoned to bring to, in the manner provided in section 171, fails so to do,

171 Such vessel shall be liable to confiscation and the master of such vessel shall be liable to a penalty not exceeding one thousand rupees.”.

5. In section 169 and in sub-section (1) of section 170A of the principal Act, after the words “any port in India”, the words “or within the Indian customs waters” shall be inserted.

Amendment of sections 169 and 170A.

6. For section 171 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 171.

“171. (1) Any duly empowered officer of customs or other person duly employed for the prevention of smuggling may, for the purpose of ascertaining whether any breach of this Act or any other law relating to customs has been, is being or is likely to be, committed,—

Powers of customs officer for boarding and searching such vessels.

(a) stop and board any vessel in India or within the Indian customs waters and examine and search such vessel and every part thereof and every trunk, package or cargo on board and may inspect and examine the manifest and other documents and papers;

(b) stop and search any cart or other means of conveyance at any place in India.

(2) Where in exercise of the powers conferred by clause (a) of sub-section (1), it becomes necessary to stop any vessel, it shall be lawful for any ship in the service of the Central Government while flying her proper ensign, to summon such vessel, under the direction of any such officer or person as is referred to in that sub-section, by means of an international signal code or other recognised means, and thereupon such vessel shall forthwith bring to, and if it fails to do so, chase may be given to the vessel by any such ship as aforesaid, and if after a gun is fired, the vessel still fails to bring to, the vessel may be fired upon by such ship.”.

7. In section 173 and in section 178 of the principal Act, for the words “either upon land or water”, the words “in India either upon land or water, or within the Indian customs waters” shall be substituted.

Amendment of sections 173 and 178

THE FOREIGNERS LAWS (AMENDMENT) ACT, 1957

No. 11 OF 1957

[2nd April, 1957]

An Act further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Foreigners Laws (Amendment) Act, 1957.

(2) It shall be deemed to have come into force on the 19th day of January, 1957.

Amendment
of section 2.

2. In the Foreigners Act, 1946 (hereinafter referred to as the 31 of 1946. Foreigners Act), in section 2, for clause (a), the following clause shall be substituted, namely:—

‘(a) “foreigner” means a person who is not a citizen of India;’.

Amendment
of section 3.

3. In section 3 of the Foreigners Act,—

(a) in sub-section (2), the brackets, letter and words “(g) shall be arrested and detained or confined;” shall be omitted;

(b) in sub-section (3), for the words, brackets and letters “, clause (f) or clause (g)”, the words, brackets and letter “or clause (f)” shall be substituted.

Insertion of
new section
3A.

4. After section 3 of the Foreigners Act, the following section shall be inserted, namely:—

Power to
exempt
citizens of
Common-
wealth coun-
tries and
other persons
from appli-
cation of Act
in certain
cases.

“3A. (1) The Central Government may, by order, declare that all or any of the provisions of this Act or of any order made thereunder shall not apply, or shall apply only in such circumstances or with such exceptions or modifications or subject to such conditions as may be specified in the order, to or in relation to—

(a) the citizens of any such Commonwealth country as may be so specified; or

(b) any other individual foreigner or class or description of foreigner.

(2) A copy of every order made under this section shall be placed on the table of both Houses of Parliament as soon as may be after it is made.”

5. In section 4 of the Foreigners Act,—

Amendment
of section 4.

(a) sub-section (1) shall be omitted;

(b) for sub-sections (3) and (4), the following sub-sections shall be substituted, namely:—

“(3) No person shall—

(a) knowingly assist a person on parole to escape from the place set apart for his residence or knowingly harbour any such person, or

(b) give a person on parole any assistance with intent thereby to prevent, hinder or interfere with the apprehension of such person.

(4) The Central Government may, by order, provide for regulating access to, and the conduct of persons in, places where persons on parole are restricted, and for prohibiting or regulating the despatch or conveyance from outside such places to or for such persons therein of such articles as may be prescribed.”.

6. In section 5 of the Foreigners Act, in sub-section (5), the word “Royal” shall be omitted.

Amendment
of section 5.

7. Section 10 of the Foreigners Act shall be omitted.

Omission of
section 10.

16 of 1939.

8. In the Registration of Foreigners Act, 1939, in section 2, for clause (a), the following clause shall be substituted, namely:—

Amendment
of section 2.

‘(a) “foreigner” means a person who is not a citizen of India;’.

1 of 1957.

9. (1) The Foreigners Laws (Amendment) Ordinance, 1957, is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action was taken.

K. V. K. SUNDARAM,

Secy. to the Govt. of India.

